

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

BRIAN N. LINES, ET AL.,

Defendants.

C.A. No. 07-CV-11387 (DLC)(DF)

NOTICE OF MOTION FOR ISSUANCE OF LETTERS ROGATORY
(CANADA AND BERMUDA)

PLEASE TAKE NOTICE that pursuant to Rule 28(b) of the Federal Rules of Civil Procedure, plaintiff Securities and Exchange Commission hereby moves the Court for the issuance of three Letters Rogatory, in the forms annexed hereto, addressed to the appropriate administrative authorities in Canada and Bermuda. The motion is brought upon the accompanying Memorandum of Law, Letters Rogatory and proposed Order, and all prior proceedings herein. The first Letter Rogatory is directed to the administrative authority of Ontario, Canada, seeking the deposition upon oral examination of: David Skarica of Ontario, Canada; the second Letter Rogatory is directed to the administrative authority of British Columbia, Canada, seeking the depositions upon oral examination of: (1) Malcolm Burke of British Columbia, Canada; and (2) Lawrence Roulston, of British Columbia, Canada; the third Letter Rogatory is directed to the administrative authority of Bermuda, seeking the depositions upon oral

examination of: (1) Michael Heslop, of Bermuda; (2) Kevin Gunther, of Bermuda; (3) Cueva Holder, of Bermuda; (4) Richard King, of Bermuda; (5) Graham Redford, of Bermuda; (6) Stuart Smith, of Bermuda; (7) Kevin Way, of Bermuda; (8) Susan Wilson, of Bermuda; and (9) Kevin Winter, of Bermuda. The Commission's Letter Rogatory to Bermuda also requests that Michael Heslop, Kevin Gunther, Cueva Holder, Richard King, Graham Redford, Kevin Way, Susan Wilson, and Kevin Winter produce documents in response to the Commission's narrowly tailored document requests. This application is made under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. 7444, 23 U.S.T. 2555, reprinted in 28 U.S.C. § 1781, which is in force between the United States, Canada, as well as Bermuda.

A copy of the proposed Order is attached hereto as Exhibit A.

Dated: August 20, 2008
Washington, DC

Respectfully submitted,

/s/ David Williams

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Certificate of Service

I HERBY CERTIFY that on August 20, 2008, I transmitted via e-mail, pursuant to agreement between counsel, *Notice of Motion for Issuance of Letters Rogatory* to:

Mr. Reid M. Figel, Esq.
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Counsel for LOM (Holdings) Ltd., Lines Overseas Management Ltd., LOM Capital Ltd., LOM Securities (Bermuda) Ltd., LOM Securities (Cayman) Ltd, LOM Securities (Bahamas) Ltd.

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s/ David Williams
David Williams

Exhibit A

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ORDER

Plaintiff presented a motion and supporting memorandum of law dated August 20, 2008 for an order pursuant to Rule 28(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1781 for the issuance of Letters Rogatory providing for: (1) the taking of testimony of David Skarica of the Province of Ontario, Canada; and Malcolm Burke and Lawrence Roulston of the Province of British Columbia, Canada; and Michael Heslop, Kevin Gunther, Cueva Holder, Richard King, Graham Redford, Stuart Smith, Kenneth Taves, Susan Wilson, and Kevin Winter; and (2) the production of documents from Michael Heslop, Kevin Gunther, Cueva Holder, Richard King, Graham Redford, Susan Wilson and Kevin Winter for use as evidence in the trial of this matter, and

This Court having considered the Motion for Issuance of Letters Rogatory to Canada and Bermuda, and any arguments presented by the parties, and due consideration having been had, it is:

ORDERED that the application is in all respects granted, and this Court hereby signs the Letters Rogatory providing for the taking of testimony of David Skarica, Malcolm Burke, Lawrence Roulston, Michael Heslop, Kevin Gunther, Cueva Holder, Richard King, Graham Redford, Stuart Smith, Kenneth Taves, Susan Wilson, and Kevin Winter and the production of documents from Michael Heslop, Kevin Gunther, Cueva Holder, Richard King, Graham Redford, Susan Wilson and Kevin Winter, for use as evidence at the trial of this action.

IT IS FURTHER ORDERED that the Clerk of this Court affix the seal of the United States District Court for the Southern District of New York over such signature and return the original signed Letters Rogatory to counsel for Plaintiff so that said Letters Rogatory may be delivered to the appropriate authorities in British Columbia and Ontario, Canada., and Bermuda;

IT IS FURTHER ORDERED that Plaintiff's counsel is directed to forward the original Letter Rogatory bearing the signature and seal of this Court to the appropriate judicial authorities in British Columbia and Ontario, Canada, and Bermuda.

Date: _____

United States District Court Judge